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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,034	04/12/2004	Tatsuichi Maehashi	04220/HG	3532
1933	7590	11/17/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 5TH AVE FL 16 NEW YORK, NY 10001-7708			ZIMMERMAN, JOSHUA D	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,034

Applicant(s)

MAEHASHI, TATSUICHI

Examiner

Joshua D. Zimmerman

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 8 are rejected under 35 U.S.C. 112.

1. Regarding claims 1 and 8, specifically the recited limitation "a surface (rear surface) of the support opposite the image formation layer having a smoother value of not more than 0.06 MPa." Applicant claims a specific "smoother value" for the printing plate material. The disclosure simply sets forth that the smoother value is "a physical value described in the J. Tappi paper pulp test No. 5" and that the value is obtained from a "smoother SM-6B." Such disclosure does not set forth how to create a material satisfying the claimed range.

With regards to applicant's arguments filed 9/28/2005, examiner thanks the applicant for his explanation of the method of obtaining a smoother value, however, examiner does not find the arguments persuasive as to the presence of the "smoother" value in the art. Examiner notes that the references given do not disclose the "smoother" value; rather, they contain a "smooster value" and a "smoothter value." The 35 U.S.C. 112 rejection is maintained on the grounds that a "smoother value" is not known in the art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-9, and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawakami et al., US 6,027,850.

2. Regarding claim 1, “a process of preparing a printing plate from a printing plate material comprising a support, and provided thereon, an image formation layer (column 2, lines 40-43), a surface (rear surface) of the support opposite the image formation layer having a smoother value of not more than 0.06 MPa, the process comprising the steps of:

fixing the printing plate material onto a fixing member with suction through-holes by suction that evacuates air through the suction through-holes (column 2, lines 40-43), a coefficient of static friction of the rear surface to the fixing member is from .3 to .6, and the rear surface facing the fixing member; and

imagewise exposing the fixed printing plate material to laser to form an image on image formation portions of the image formation layer (column 2, lines 49-53),

wherein a degree of flatness of the surface on the image formation layer side material is not more than 50 μm .”

Kawakami et al. address the influence of “suction-holes” under reduced pressure on the “degree of flatness” of printing plate materials. Kawakami et al. further teaches

the desire for said degree of flatness to be small to improve image quality (column 9, lines 8-13). Kawakami et al. further disclose that under a reduced pressure of 150 torr to 640 torr, the "degree of flatness" can be sufficiently low to overcome any problems associated with image quality (column 9, lines 18-22). Thus Kawakami et al. meet the claimed "degree of flatness ... not more than 50 μm ."

In regards to the recited limitations "a surface (rear surface) of the support opposite the image formation layer having a smoother value of not more than 0.06 MPa" and "a coefficient of static friction of the rear surface to the fixing member is from .3 to .6, and the rear surface facing the fixing member." Applicant does not disclose how the outstanding plate is made to have the so-called "smoother" value as claimed. It appears that if applicant's plate has such a value then the plate of Kawakami et al. has the same value as no manufacture steps or processes are disclosed which would provide applicant's plate with a distinguishing quality.

3. Regarding claim 2, Kawakami et al. further disclose "wherein the fixed printing plate fixing member is a cylindrical drum (Fig. 2, item 41), and the imagewise exposure is carried out from the outside of the drum while the drum is rotated (column 4, lines 5-7).

4. Regarding Claim 3, "wherein the aperture area of the suction through-holes at the central portion of the fixing member is smaller than that at the edge portions of the fixing member." Kawakami et al. further disclose that the sizes of the suction holes are variable. Kawakami et al. also disclose that it is preferable to have suction holes with a

smaller aperture size in the "central portion of the fixing member", and a larger aperture size in the "edge portions" (column 4, lines 42-54).

5. Regarding Claim 4, "wherein the printing plate material has a total thickness of from 150 to 300 μm ," Kawakami et al. disclose a "printing plate material" of 50 μm to 170 μm (column 3, line 4). The claimed: "stiffness of from 0.50 to 5.00 N, and an average density of from 1.4 to 1.8 g/m^3 " are met by the PET printing plate material having such thickness (column 10, lines 35-49).

6. Regarding Claims 6-7, Kawakami et al. disclose "wherein the support is flexible" and "is a polyethylene terephthalate or polyethylene naphthalate film sheet (column 10, lines 7-8, and 39-41)."

7. Regarding Claim 8, "a printing plate material comprising a support, and provided thereon, an image formation layer (column 2, lines 40-43), a surface (rear surface) of the support opposite the image formation layer having a smoother value of not more than 0.06 MPa, wherein the printing plate material is fixed onto fixing member with suction through-holes according to a vacuum evacuation method, the surface (rear surface) of the support opposite the image formation layer facing the fixing member, and then the image formation layer is imagewise exposed to laser to form an image, a degree of flatness of the surface on the image formation layer side of the fixed printing plate material being not more than 50 μm ."

The intended use of the "printing plate material" and "fixing member" does not define structure of said printing plate material that patentably distinguishes it over Kawakami et al. (column 2, lines 40-43).

8. Regarding claim 9, "wherein the printing plate material has a total thickness of from 150 to 300 μm ," Kawakami et al. disclose a "printing plate material" of 50 μm to 170 μm (column 3, line 4). The claimed: "stiffness of from 0.50 to 5.00 N, and an average density of from 1.4 to 1.8 g/m^3 " are met by the PET printing plate material having such thickness (column 10, lines 35-49).

9. Regarding Claims 11-12, Kawakami et al. disclose "wherein the support is flexible" and "is a polyethylene terephthalate or polyethylene naphthalate film sheet (column 10, lines 7-8, and 39-41)."

Claim Rejections - 35 USC § 103

10. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami et al. in view of JP 2001-293970A. Kawakami et al. fail to disclose a light-to-heat conversion material in any of the layers the image receiving sheet. The author of JP 2001-293970A discloses in the abstract a printing plate material in which the "image formation layer" and/or the "hydrophilic layer contain a light-to-heat conversion material." It would have been obvious to one of ordinary skill in the art at the time of the invention to include the layers of JP 2001-293970A in the printing plate material of Kawakami et al. in order to make the printing plate more adaptable to other printing processes.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

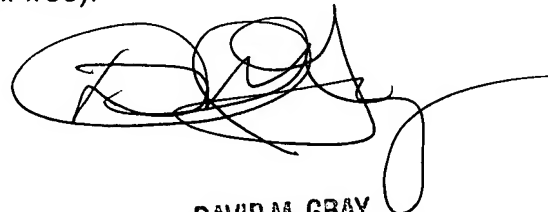
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Zimmerman whose telephone number is 571-272-2749. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jdz



DAVID M. GRAY
PRIMARY EXAMINER